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CENTRAL FAX CENTER****MAY 23 2008****REMARKS****Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1, 40-43 and 47-53 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Kieturakis U.S. Pat. No. 5,794,626) in view of Tihon et al. (U.S. Pat. No. 5,415,656).

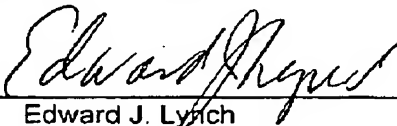
Applicants have amended claim 1 to call for three longitudinal driving members for moving the outer sheath and the elongated shaft and expanding or contracting the tissue cutting member and one rotating driving member for the cutting member. The references cited by the Examiner fail to teach all the claimed features of claim 1, so claim 1 and those claims which depend from claim 1 overcome the rejections.

Claims 44-45 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Kieturakis ('626) in view of Tihon et al. ('656) further in view of Treat (U.S. Pat. No. 4,493,320). However, Treat fails to make up for the deficiencies of Kieturakis and Tihon as discussed above, so the rejection is not supported by these references.

Conclusion

Applicants believe that the pending claims are directed to patentable subject matter. Further consideration pursuant to the concurrently filed RCE and an early allowance are earnestly solicited.

Respectfully submitted,

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